

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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NATIONAL RAILROAD PASSENGER CORPORATION,	)	3:11-CV-0461-HDM (VPC)
	)	
Plaintiff,	)	<u>ORDER</u>
	)	
vs.	)	
	)	
JOHN DAVIS TRUCKING COMPANY, INC.,	)	
	)	
Defendant.	)	

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On August 31, 2012, this court held a hearing on the emergency motion of defendant John Davis Trucking Company, Inc. ("John Davis") to take depositions (#120). Plaintiff National Railroad Passenger Corporation ("Amtrak") and counterdefendant and counterclaimant Union Pacific Railroad Company ("UPRR") opposed (#123), and John Davis replied (#125). This court granted John Davis's motion, as more fully set forth in the court's minute order (#128). In the interim, counsel for the parties did as the court directed, met and conferred about the dates, times and locations for the three depositions, and filed their status report with the court (#126).

The parties report that two disputes have arisen about the scope of the depositions. First, the parties agree that the individuals will be deposed about the repair, replacement, and disposition of the gate arm, but they disagree whether this includes the gate arm's operating mechanism. The court has listened to the tape recording of the hearing to confirm its recollection on this issue. As set forth

1 in its minute order (#128), the court concludes that John Davis Trucking will be allowed to depose  
2 the individuals concerning the operating mechanism.<sup>1</sup>

3 Second, although the John Davis and UPRR have agreed on tentative dates for the deposition,  
4 UPRR asserts that only one day should be allotted for the depositions, since John Davis represented  
5 that each one would last two to three hours. John Davis asks that two days be set aside to conduct  
6 the depositions, with the second day reserved in the event one day is insufficient. The court notes  
7 that UPRR may present more than one Rule 30(b)(6) witness. Although all depositions may be  
8 conducted in one day, the court will allow John Davis an additional four hours the following day to  
9 complete the depositions.

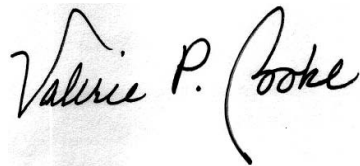
10 Based upon the foregoing and for good cause appearing,

11 IT IS HEREBY ORDERED as follows:

- 12 1. John Davis shall have leave to depose the following individuals:
- 13 A. UPRR 30(b)(6) witness(es) regarding the repair, replacement, and/or  
14 disposition of all or any portion of the accident gate arm and its operating  
15 mechanism, from the date of the accident to the present;
- 16 B. Union Pacific employee/manager of signal maintenance Shannon Kelly; and
- 17 C. Union Pacific signal employee/signal foreman Graham.
- 18 2. The depositions shall commence on October 4, 2012, and if they are not completed  
19 on that date, John Davis shall have an additional four hours to complete them on  
20 October 5, 2012.
- 21 3. The depositions shall take place in Reno, Nevada.
- 22 4. If any disputes arise during the depositions, counsel have leave to contact this court's  
23 chambers at 686-5855 to resolve them.

24 IT IS SO ORDERED.

25 Dated September 12, 2012.



26 UNITED STATES MAGISTRATE JUDGE

27 \_\_\_\_\_  
28 <sup>1</sup>The Court experienced a delay in issuing the minute order of the August 31, 2012  
hearing, and apologizes for any confusion this delay may have caused the parties.